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signature page*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL NO. 2843

Case No. 18-md-02843-VC

Judge Vince Chhabria

## **DECLARATION OF BENJAMIN H. RICHMAN**

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2       1. I am an attorney admitted to practice before the Supreme Court of the State of  
3 Illinois and the United States District Court for the Northern District of Illinois (among others),  
4 and have been appointed as Special Assistant State's Attorney to represent the People of the  
5 State of Illinois ex rel. Kimberly M. Foxx (the "State") in this matter.

6       2. I am entering this declaration in support of the State's Administrative Motion for  
7 Oral Argument on Fully-Briefed Motion to Remand for Lack of Subject Matter Jurisdiction in  
8 *People of Illinois ex rel. Kimberly M. Foxx v. Facebook, Inc., et al.*, 18-cv-2667 (N.D. Ill.). This  
9 declaration is based upon my personal knowledge, except where expressly noted otherwise. If  
10 called upon to testify to the matters stated herein, I could and would competently do so.

11       3. Prior to filing the State's administrative motion, I conferred with counsel for  
12 Defendant Facebook, Inc. who indicated that Facebook objects to the submission of the motion  
13 to remand and related briefing materials for hearing and decision absent supplemental briefing to  
14 address Ninth Circuit law on the issues.

15       4.     The State will of course consider whether it agrees that supplemental briefing as  
16 proposed by Facebook is necessary and inform Facebook of its views in short order.  
17 Nevertheless, the State wished to file its Motion by the deadline to respond to Co-Lead  
18 Counsel’s Motion to Prioritize Claims (dkt. 156), to the extent that the State’s Motion sets out  
19 the State’s position on Co-Lead Counsel’s Motion.

I declare under penalty of perjury that the foregoing is true and correct.

21 Executed this 17th day of October 2018 at Seattle, Washington.

/s/ Benjamin H. Richman